

*REMARKS/ARGUMENTS*

The following remarks are responsive to the points raised by the Office Action dated June 23, 2008. In view of the following remarks, reconsideration is respectfully requested.

*The Pending Claims*

Claims 1-12 remain pending.

*The Office Action*

Claims 1-12 were rejected under 35 U.S.C. § 103 as unpatentable over U.S. Patent Application Publication 2002/0013138 to Benthin et al. (hereinafter, "Benthin") in view of U.S. Patent Application Publication 2003/0155479 to Kishi et al. (hereinafter, "Kishi").

This rejection is respectfully traversed.

The obviousness rejection cannot be maintained for at least two reasons. First, modifying the device of Benthin to have pivoting panel taught by Kishi, as proposed in the Office Action, would render the device of Benthin inoperable. Second, the Office Action's rationale for modifying the device of Benthin to have the pivoting panel taught by Kishi is not applicable to the device of Benthin.

Benthin teaches a car radio receiver with a control panel 5 that is fully removable from a receiver 1. Benthin teaches two modes of operation for the device: 1) a car radio wherein the control panel 5 is in place within the receiver 1 and 2) a mobile telephone wherein the control panel 5 is fully removed from the receiver 1.

For the radio mode, Benthin teaches that the necessary power and signaling are supplied through the electrical contact of the bush 16 (on the control panel 5) with the bush 17 (on the receiver 1) of the interface 15, and through the contacts of the infrared transmitter 26, 27 (on the receiver) with those (21, 22) on the control panel. Benthin provides four retaining tabs 95 for keeping the control panel mounted in the receiver to maintain these connections (par. [0021]-[0024]). The overall teaching of Benthin is, therefore, to keep the control panel in contact with the recess of receiver when operating the radio mode.

For the telephone mode, Benthin teaches removing the control panel 5 from the receiver 1, and activating the retractable antenna 30, earpiece 40, and microphone 45. The user can improve reception by lengthening the antenna ([0026]). Thus, the telephone best operates with a lengthened antenna and, naturally, listening by holding the earpiece to the ear.

The device of Benthin would not function properly with a pivoting panel, as alleged in the Office Action. Pivoting the control panel 5 outward from the receiver 1 would disconnect the bushings 16 and 17 and the transmitters 21, 22 and 26, 27 so that the device would operate in the telephone mode. It would not be practical to extend the antenna (into the way of the driver or the passenger) and hold the earpiece to the ear with the control panel held in the pivoted position while operating a car.

Moreover, as shown in Figures 1 and 2, the *front* of the control panel includes the buttons for operating the device, while the *back* of the panel has the transmitters 21, 22 for connection to the transmitters 26, 27 on the back panel of the recess of the receiver. Pivoting the control panel from its proper position flat in the receiver to a downward position, as in Kishi, would place the buttons for operation of the control panel underneath the control panel and away from the user, so that the user cannot see the buttons to operate them. Accordingly, the obviousness rejection cannot stand.

The obviousness rejection also cannot be maintained because the Office Action's rationale for modifying the device of Benthin to have the pivoting panel taught by Kishi is not applicable to the device of Benthin.

The Office Action alleges that it would have been obvious to modify the device of Benthin to have the pivoting panel taught by Kishi "in order to obtain an apparatus in which the user can see a display while operating the player." This rationale is not applicable to the device of Benthin. In Kishi, the buttons on the operating part pivot down so that the user can see the display 5 while operating the player. In Benthin, however, there is no display to see in the recess of the receiver 1. Therefore, there would be no reason to pivot the control panel down. Moreover, as explained above, the proposed modification would make the buttons on the front of the control panel 5 not visible to the user. Thus, the Office Action has not set forth an appropriate rationale for modifying the device of Benthin in view of Kishi, and therefore, the obviousness rejection of the claims cannot be maintained.

*Conclusion*

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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Amendment or ROA - Regular (JMJ/mlg)